

Message Text

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ACTION ERDA-07

INFO OCT-01 EUR-12 ISO-00 ACDA-10 CIAE-00 INR-07 IO-11

L-03 NSAE-00 NSC-05 EB-07 NRC-07 OES-05 FEAE-00

DODE-00 COME-00 /075 W

----- 091230

R 111537Z MAR 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 8729

INFO USMISSION EC BRUSSELS

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DEPT PASS ERDA IAI

E.O. 11652: N/A

TAGS: TECH, FR

SUBJECT: ERDA/CEA DRAFT AGREEMENT ON NUCLEAR COOPERATION

REF: PARIS 05433

1) BEGIN SUMMARY: EMBASSY SCICOUN MET WITH CEA OFFICIALS MARCH 9 AND DISCUSSED REMAINING DIFFERENCES ON THE ERDA/CEA UMBRELLA DRAFT AGREEMENT ON NUCLEAR COOPERATION. CEA AGREEABLE TO TEXT OF ARTICLE 6 ON THE BASIS THAT IT IS UNDERSTOOD: THAT EACH PARTY WILL USE ITS OWN CRITERIA FOR DETERMINING PRIVILEGED INFORMATION; THAT ERDA WILL ADVISE ON RISKS OF COURT-FORCED RELEASE WHEN PREPARING MEMORANDUM REGARDING EXCHANGE OF CEA PRIVILEGED INFORMATION; AND CEA DOES UNDERSTAND ERDA'S POSITION THAT PRIVILEGED INFORMATION MUST MEET THE FOUR ERDA CRITERIA TO BE CONSIDERED LEGALLY "PRIVILEGED" IN THE US. CEA IS PREPARING LANGUAGE FOR ARTICLE 8 WHICH WOULD LIMIT ERDA'S USE OF A ROYALTY-FREE LICENSE TO THE U.S., SHOULD A CEA PATENT BE FIRST REDUCED TO PRACTICE IN A COOPERATIVE PROGRAM UNDER THIS AGREEMENT. IF THIS ARRANGEMENT AGREEABLE TO ERDA, CEA AGREES TO THE INCLUSION OF THE WORD "MADE" IN PARA UNCLASSIFIED

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1 ARTICLE 8. VENDREYES WOULD WELCOME ERDA'S SUGGESTION

FOR LIST OF SUBJECT AREAS IN LMFBR PROTOCOL WHICH
ERDA WOULD ACCEPT AND ERDA BELIEVES CEA WOULD ACCEPT.
ERDA'S COMMENTS REQUESTED. END SUMMARY.

2. AS A FOLLOW-UP TO THE FEB 27 MEETING REPORTED IN
REFTEL, EMBASSY SCICOUN MET WITH CEA OFFICIAL LE NIGER,
PERROT AND LE GUELTE AND DISCUSSED THE PRINCIPLE
AREAS OF DISAGREEMENT REMAINING IN THE BILATERAL UM-
BRELLA AGREEMENT AND THE PROTOCOLS TO THAT AGREEMENT.
CEA IS COMPLETING A LETTER WHICH WOULD RESPOND TO
DR. ROBERTS' LETTER OF DEC 5 AND INCLUDE THE UNDER-
STANDINGS REACHED IN THE MEANTIME. THE AREAS OPEN FOR
EARLY COOPERATION IN THE LMFBR AGREEMENT REMAIN THE
MAJOR DISAGREEMENT.

3. WITH REGARD TO THE UMBRELLA AGREEMENT 'S ARTICLE 6,
CEA AGREES TO THE DECEMBER 2 TEXT AND WILL CONSIDER
INCLUDING IN ITS LETTER TO ERDA THE FOLLOWING CLARIFI-
CATION TO DR. ROBERTS' NOTE ATTACHED TO HIS LETTER OF
DECEMBER 5 PERTAINING TO ARTICLE 6. "EACH PARTY WILL
EMPLOY ITS OWN CRITERIA IN CLASSIFYING ITS INFORMATION
AS PRIVILEGED. PRIOR TO CONCLUDING ANY SPECIFIC MEMORAN-
DUM CONCERNING CEA PRIVILEGED INFORMATION, ERDA WILL
INFORM CEA OF ITS VIEWS ON THE POSSIBILITIES AND CIR-
CUMSTANCES OF U.S. COURT ORDERED RELEASE OF THAT INFOR-
MATION. CEA UNDERSTANDS THAT IT IS ERDA'S CURRENT VIEW
THAT ALL FOUR ERDA CRITERIA MUST BE MET FOR CEA PRIVI-
LEGED INFORMATION TO BE CONSIDERED LEGALLY PRIVILEGED
IN THE US." WE WOULD APPRECIATE ERDA'S COMMENTS ON THIS
PROPOSED CLARIFICATION ON ARTICLE 6. (PLS NOTE
THAT THIS IS A CHANGE IN THE ATTACHMENTS TO DR. ROBERTS'

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LETTER AND NOT REPEAT NOT PROPOSED AS CHANGES TO THE
TEXT OF ARTICLE 6.)

4. CEA'S CURRENT VIEW ON ARTICLE 8 PARA 1 IS THAT IT
WILL AGREE TO GIVE ERDA A ROYALTY-FREE LICENSE LIMITED
TO USE IN THE U.S. IN CASES WHERE A CEA PATENT IS FIRST
REDUCED TO PRACTICE IN A JOINT PROGRAM UNDER THIS AGREE-
MENT. CEA IS CURRENTLY DEVELOPING LANGUAGE
TO REFLECT THIS PROPOSAL. PLEASE ADVISE IF SUCH RE-
STRICTION IS PERMITTED BY U.S. LAW AND AN ACCEPTABLE
SOLUTION OF THIS MATTER TO ERDA.

5) CEA'S GEORGES VENDREYES IS AGREEABLE TO RECONSIDERING
THE LIST OF AREAS OF COOPERATION CONTAINED IN ARTICLE
4B OF THE LMFBR PROTOCOL. HE APPRECIATES THE POINT
MADE BY GIAMBUSSO ON FEB 27 THAT TWO OF TEN ARTICLES
OPEN TO EARLY COOPERATION DOES NOT BESPEAK AN ACTIVE
PROGRAM. HE ASKED THAT ERDA PREPARE A REVISED LIST
OF AREAS AND POSSIBLY SUBAREAS WHICH WOULD MEET ERDA'S
NEEDS AND ALSO FAIRLY REFLECT CEA'S POSITION. VENDREYES
BELIEVES ERDA UNDERSTANDS CEA'S VIEWS ON THIS SUBJECT
BY THIS TIME. THE ERDA-SUGGESTED LIST WOULD BE RE-
VIEWED BY CEA TECHNICAL EXPERTS AND THEN REVIEWED BY
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VENDREYES EN MASSE TO DETERMINE CEA'S VIEW OF THE
RELATIVE BALANCE IN THE -PROPOSED LISTING.
BY TELECON WITH MC DONOUGH ON MARCH 10, EMBASSY UNDER-
STANDS THAT ERDA IS AGREEABLE IN PRINCIPLE TO PREPARING
SUCH A LIST, WHICH WILL BE CABLED WHEN COMPLETED.

6. ERDA'S COMMENTS ON EACH OF THE ABOVE ITEMS AND
THOSE ADDITIONAL ITEMS IN REFTEL ARE REQUESTED TO BE
CABLED AS SOON AS EACH IS PREPARED.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, NUCLEAR AGREEMENTS, NUCLEAR COOPERATION PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PARIS07295
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760092-0821
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760371/aaaackpq.tel
Line Count: 164
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ERDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 PARIS 5433
Review Action: RELEASED, APPROVED
Review Authority: wolfsd
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUL 2004 by vandyklc>; APPROVED <23 AUG 2004 by wolfsd>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ERDA/CEA DRAFT AGREEMENT ON NUCLEAR COOPERATION
TAGS: TECH, FR, US, CEA, ERDA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006